

Montana Code Annotated 2009

87-1-246. Funding of upland game bird enhancement program. The amount of money specified in this section from the sale of each hunting license listed must be used exclusively by the department to preserve and enhance upland game bird populations in Montana in accordance with [87-1-246](#) through [87-1-249](#), subject to appropriation by the legislature:

- (1) Class A-1, resident upland game bird, \$2;
- (2) Class B-1, nonresident upland game bird, \$23;
- (3) Class AAA, combination sports, \$2; and
- (4) Class B-10, nonresident big game combination, \$23.

87-1-247. Upland game bird enhancement program -- authorized use of funds.

(1) Subject to subsections (2) and (3), revenue dedicated to the upland game bird enhancement program pursuant to [87-1-246](#) must be used by the department to:

- (a) prepare and disseminate information to landowners and organizations concerning the upland game bird enhancement program;
- (b) review potential upland game bird release sites;
- (c) assist applicants in preparing management plans for project areas;
- (d) evaluate the upland game bird enhancement program;
- (e) develop a strategic plan pursuant to [87-1-251](#)(2)(a);
- (f) pursuant to subsection (2), release upland game birds in suitable habitat;
- (g) develop, enhance, and conserve upland game bird habitat in Montana; and
- (h) establish and assist an upland game bird citizens' advisory council pursuant to [87-1-251](#).

(2) (a) At least 15% of the funds collected under [87-1-246](#) must be set aside each fiscal year for expenditures related to upland game bird releases.

(b) At least 25% of the funds set aside for upland game bird releases must be spent each year.

(3) As far as practicable, expenditures made pursuant to subsection (1) must be prioritized by administrative region based on need, taking into consideration any biological, recreational, or economic benefit and the objectives established in a strategic plan developed pursuant to [87-1-251](#)(2)(a).

87-1-248. Qualification of upland game bird enhancement projects. (1) A project eligible for funding under the upland game bird release program must contain the proper combination of winter cover, food, nesting cover, and other upland game bird habitat components determined necessary to provide for establishment of a viable upland game bird population.

(2) A project eligible for funding under the habitat enhancement program must

include assistance to applicants in the establishment of suitable nesting cover, winter cover, or feeding areas through cost sharing, leases, or conservation easements.

(3) A project containing hunting preserves or any commercial hunting enterprise or in which hunting rights are leased or paid for is not eligible for funding.

(4) Preference must be given for project applications submitted by youth organizations, 4-H clubs, sports groups, and other associations of sufficient size to guarantee completion of all project requirements. However, individual landowners may also apply, as long as the land in the project area remains open to public hunting in accordance with reasonable use limitations imposed by the landowner.

(5) (a) Except when a greater amount, up to \$200,000, is authorized by the commission, a project may not receive more than \$100,000 in funds collected under [87-1-246](#).

(b) Total purchases of equipment, land, and buildings under the habitat enhancement program may not exceed \$25,000 for each project.

(c) The construction of wells, pipelines, or roads using funds collected under [87-1-246](#) is only allowed on a cost-share basis, when the applicant pays at least 50% of the funded costs.

(d) Any equipment purchased with funds collected under [87-1-246](#) remains the property of the department.

(e) A shelterbelt may not be constructed within 400 feet of any residential building or building occupied by livestock.

(f) Funds collected under [87-1-246](#) may be expended for supplemental feeding programs that are authorized by the department.

87-1-249. Rules. (1) The department shall adopt rules for the administration of the upland game bird enhancement program created in [87-1-246](#) through [87-1-249](#).

(2) The rules must:

(a) provide for eligibility criteria for project applications, including project evaluation criteria that incorporate the following factors:

(i) proposed project acreage of suitable size;

(ii) proposed project acreage and adjoining lands that are suitable for upland game bird habitat;

(iii) evidence that existing and potential species will benefit from the project;

(iv) the number of acres that will be open to and suitable for public bird hunting under the proposal; and

(v) in addition to the criteria in subsections (2)(a)(i) through (2)(a)(iv), preference to proposed projects with:

(A) longer contract length and larger landowner cost share;

(B) lands with special or unique components, such as wetlands; and

(C) a landowner history of providing hunter access and habitat enhancement;

(b) be consistent with general requirements of the federal conservation reserve program, the agricultural conservation program, the state hunter management program, and the state hunting access enhancement program so that landowners who participate in those programs may also be eligible for participation in the upland game bird enhancement program;

(c) specifically indicate specifications under which upland game birds will be released in project areas, including but not limited to:

- (i) habitat requirements;
- (ii) number of upland game birds to be released;
- (iii) health requirements;
- (iv) banding requirements;
- (v) time for release;
- (vi) age of birds to be released; and
- (vii) reimbursement amount for each bird released;

(d) establish application procedures for project funding and review and for approval or denial of applications; and

(e) establish project monitoring and reporting procedures, including a requirement that payments for projects authorized pursuant to [87-1-247](#) be supported by contracts, invoices, receipts, or other supporting documentation.

87-1-250. Upland game bird enhancement program -- report. The department shall report to the fish and game committee of each house of the legislature concerning upland game bird enhancement activities undertaken pursuant to [87-1-246](#) through [87-1-249](#) and [87-1-251](#) during the preceding biennium, including providing:

- (1) copies of reports made to the upland game bird citizens' advisory council pursuant to [87-1-251](#)(2)(b); and
- (2) any recommendations concerning the operation of the program.

87-1-251. Upland game bird enhancement program -- advisory council. (1) There is an upland game bird citizens' advisory council consisting of 12 members appointed by the director and serving staggered 4-year terms. The 12 members must include a public member representing each of the department's administrative regions. Council membership must include:

- (a) an upland game bird hunter;
- (b) a local chamber of commerce representative;
- (c) a conservationist;
- (d) an upland game bird biologist;
- (e) at least two landowners, one of whom must be enrolled in the block management program; and
- (f) a senator and a representative from different political parties.

(2) The council shall meet at least once each year but not more than once each month as necessary to:

(a) advise the department on the development and maintenance of a 10-year strategic plan that at a minimum:

(i) defines quantifiable goals, objectives, and performance measurements for the upland game bird enhancement program based on need by administrative region, taking into consideration any biological, recreational, or economic benefit, including the prioritization of at-risk upland game bird species and their associated habitats;

(ii) establishes regional and statewide priorities for the development of upland game bird habitat based on land management needs, sustaining upland game bird populations, and landowner input;

(iii) prioritizes resource allocation, including funding and personnel, in accordance with objectives and goals established pursuant to this subsection (2)(a);

(iv) promotes landowner outreach and relations with both private and public landowners;

(v) provides for the ongoing monitoring of, access to, and signage for upland game bird enhancement projects, as well as the renewal or replacement of expiring projects; and

(vi) develops strategies to ensure the effective release of upland game birds and use of funding for upland game bird releases; and

(b) provide ongoing monitoring of upland game bird enhancement program activities, including but not limited to receipt from the department of an annual:

(i) activity report to evaluate whether objectives, goals, and performance measurements established pursuant to subsection (2)(a) are being met or are expected to be met;

(ii) financial report, providing a summary of revenue and expenditures for the upland game bird enhancement program and any unreserved balance remaining at the end of the fiscal year from fees collected pursuant to [87-1-246](#); and

(iii) report reviewing whether upland game bird enhancement project contracts are in compliance with [87-1-248](#) and rules adopted pursuant to [87-1-249](#).

(3) The council may recommend rules for adoption by the department.

(4) Each member of the council is entitled to receive \$50 in compensation and travel expenses, as provided for in [2-18-501](#) through [2-18-503](#), for each day spent on official council business. Council members who conduct official council business in their city of residence are entitled to receive a midday meal allowance as provided for in [2-18-502](#).

(5) The department shall provide administrative support as necessary to assist the advisory council in its duties pursuant to this section.